



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Statement of Economic Interests (Members of Boards or Commissions of Newly Created Agencies);

When and Where to File — Notice File No. Z06-0725-01 1063

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Pesticide Product Registration — Notice File No. Z06-0725-05 1064

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Logging and Sawmill Safety Orders, Fuel Houses, Chip Bins, and Hoppers Engulfment Protection —

Notice File No. Z06-0718-12 1067

TITLE 10. DEPARTMENT OF CORPORATIONS

AB 3070 (2004) — Mandatory Investment Advisor Registration Depository (IARD) —

Notice File No. Z06-0719-01 1070

TITLE 10. DEPARTMENT OF INSURANCE

Individual Disability Policy Loss Ratio Regulations — Notice File No. Z06-0725-03 1072

TITLE 24. BUILDING STANDARDS COMMISSION

Minimum Standards for the Design and Construction of Juvenile Facilities — Notice File No. Z06-0725-02 ... 1079

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

List of Prospective Contractors Ineligible to Enter Into State Contracts 1081

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Personal Property 1082

(Continued on next page)

*Time-
Dated
Material*

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Second Announcement Pertaining to Proposed Public Health Goals for Cadmium, Glyphosate, N–Nitrosodimethylamine, and Water Soluble Polychlorinated Biphenyls (PCBs) Expected to be Found in Drinking Water 1083

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Notice of Intent to List Chemicals 1084

DISAPPROVAL DECISIONS

ACUPUNCTURE BOARD 1084
DEPARTMENT OF SOCIAL SERVICES 1085

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1086
Sections Filed, February 22, 2006 to July 26, 2006 1090

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in title 2, division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **September 7, 2006**, at approximately **9:45 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **September 5, 2006**.

BACKGROUND/OVERVIEW

Amend 2 Cal. Code Regs. § 18754: This regulation interprets and implements section 87302.6 of the Political Reform Act ("Act").¹ The regulation and section at issue state the economic interest disclosure requirements for members of governing boards or commissions of newly created agencies.

The aim of the proposed amendments to regulation 18754 is, in one instance, to narrow a reporting exception and, in two other instances, to reduce the number of nearly-duplicative filings required of certain governing board members of new agencies.

Specifically:

- (1) Subsection (a)(3)(A) is amended to exempt the following type of person from the reporting requirements of regulation 18754 — a person already holding a position specified in Government Code section 87200 who will be serving as a governing board member of a newly created agency with a jurisdiction that is the same as, or wholly included within, the jurisdiction in which the member must already report his or her economic interests pursuant to Government Code

sections 87200 et seq. Currently, this subsection exempts all persons holding positions listed in Government Code section 87200 from the requirements of regulation 18754.

- (2) Subsection (a)(3)(B) is amended to exempt a person from the reporting requirements of regulation 18754 if they meet the following three criteria — (i) the person already holds a position designated in a conflict of interest code for another agency and will be serving as a governing board member of a newly created agency with a jurisdiction that is the same as, or wholly included within, the jurisdiction in which the member must already report his or her economic interests, (ii) the person's disclosure obligation pursuant to the code of the other agency is the same as that required pursuant to Government Code sections 87200 et seq., and (iii) the person's filing officer is the same for both agencies. Currently, this subsection exempts members of governing boards of newly created agencies who do not possess decision-making authority; the current exemption under (a)(3)(B) will not be materially changed under this amendment, but will be redesignated as subsection (a)(3)(D).
- (3) Subsection (a)(3)(C) is added to exempt a person from the reporting requirements of regulation 18754 if the newly created agency was formed as a result of a merger of two or more agencies and all of the following criteria apply — (i) the person served on the governing board or commission of an agency abolished in the merger in substantially the same capacity as the member will serve on the governing board or commission of the newly created agency, (ii) the geographical jurisdiction of the newly created agency is the same as the jurisdiction of the abolished agency, and (iii) the person was previously subject to the same disclosure as required for persons listed in Government Code section 87200.
- (4) Subsection (a)(3)(D) is added, but is merely a redesignation of the exemption currently contained in (a)(3)(B); this subsection exempts members of governing boards of newly created agencies who do not possess decision-making authority.

FISCAL IMPACT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

¹ Government Code sections 81000–91014. Commission regulations appear at title 2, sections 18109–18997, of the California Code of Regulations. All further references to "section" are to the Government Code, and all references to "regulation" are to title 2 of the California Code of Regulations, unless otherwise indicated.

Fiscal Impact on Federal Funding of State Programs.

This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement and interpret Government Code sections 87300 through 87302.6.

CONTACT

Any inquiries concerning this proposal should be made to Andreas C. Rockas, Fair Political Practices Commission, 428 J Street, Eighth Floor, Sacramento, California 95814, telephone: (916) 322-5660. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Pesticide Product Registration
DPR Regulation No. 06-004

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend sections 6170(a) and (b), 6172(a), and 6200(c) in Title 3, California Code of Regulations (3 CCR). The proposed regulatory action would clarify regulations related to data requirements for pesticide product registration consistent with past and current practices of the Department.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on September 18, 2006. Comments regarding this proposed action may also be submitted via e-mail <dpr06004@cdpr.ca.gov>, or by facsimile (FAX) transmission at (916) 324-5872.

A public hearing is not scheduled; however, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. The proposed minor changes only clarify regulations consistent with past and current pesticide product registration practices.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

DPR is proposing amendments to sections 6170(a) and (b), 6172(a), and 6200(c). The Office of Administrative Law (OAL) initially approved these proposed changes on June 5, 2002 (OAL File No. 02-0423-03N) and August 14, 2002 (OAL File No. 02-0729-01N), respectively, as changes without regulatory effect. However, a recent Appellate Court ruling (*Syngenta Crop Protection, Inc. v. Helliker* [2006] 136 Cal.App.4th 1464), found the changes to be substantive and subject to the rulemaking procedures of Chapter 3.5, Article 5 of the Administrative Procedures Act (APA). The Court ruled that, even though these amendments were consistent with DPR's practice under the former regulations, DPR was required to inform the public of the proposed amendments.

Title 1 CCR section 100(a)(3) states that an agency may revise text published in CCR without complying with the rulemaking procedure specified in article 5 of the APA to delete a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a U.S. District Court located in California, the U.S. Court of Appeals for the Ninth Circuit, or U.S. Supreme Court. Therefore, even though the Court ruled that the amendments were adopted in violation of the APA and are invalid,

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TTD speech-to-speech users may dial 7-1-1 for the California Relay Service.

the text in the existing 3 CCR reflects the language that was approved on June 5 and August 14, 2002, and will not be revised until judgment becomes final. However, DPR is proceeding to adopt these proposed amendments under the rulemaking procedures of Chapter 3.5, Article 5 of the APA. Therefore, the text of the proposed regulations does not reflect what is currently published in 3 CCR. The proposed regulations are presented as if the additions and deletions are being made to the text that existed prior to the changes made in 2002.

DPR proposes to amend the following sections:

- DPR proposes to add the phrase “by the applicant” to subsections 6170(a) and (b). The proposed change will further clarify that the data that must be submitted to DPR with each application for product registration or label amendment are the data that the applicant submitted to the U.S. Environmental Protection Agency (U.S. EPA) to support federal registration or amendment of the product that the applicant is requesting to register or amend in California. Additionally, to correct an unintentional omission that occurred in 1990 when section 6170 was amended (OAL File No. 90-0621-02) DPR is restoring the reference to sections 6181-6192 in the second sentence of 6170(a) to correspond to their reference in subsection (b). The word or term “product” and “of the product” has been added to subsections (a) and (b) to be consistent with the use of the terms elsewhere in section 6170.
- DPR proposes to delete the phrase “and active ingredients” in sections 6172(a)(1) and (3) and 6200(c)(1) and (3) because the phrase is redundant and potentially confusing to the regulated public. DPR requires applicants for registration of a pesticide product to submit acute toxicity studies conducted on the formulation of the product that is intended to be sold for use in California. If the product is a manufacturing use product containing only the technical grade chemical active ingredient, then the acute toxicity studies must be conducted using the technical grade chemical active ingredient. If the product contains other ingredients, in addition to the chemical active ingredient (i.e., the product has been formulated), then the acute toxicity studies must be conducted using the product as formulated. Because the term “product” is applicable to both formulated products and products containing only active ingredients, the additional reference to “active ingredient” is redundant and potentially confusing to the regulated public.

- Clarify the agency being referenced by replacing all references to the previous acronym for U.S. Environmental Protection Agency “EPA” with the acronym “U.S. EPA” in sections 6170 and 6172.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely that the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses. For this regulation, alternatives are not applicable because the action makes only clarifying changes to existing regulation.

AUTHORITY

This regulatory action is being taken pursuant to authority vested by Food and Agricultural Code sections 11456, 12781, and 12824.

REFERENCE

This regulatory action implements, interprets, or makes specific Food and Agricultural Code sections 11501, 12811, 12812, 12815, 12816, and 12824–12825.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial State-

ment of Reasons and the proposed text of the regulations may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulations permanent if they remain substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments only on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons; the proposed text of the regulation; and a public hearing; inquiries regarding the rulemaking file; or questions on the substance of the proposed regulatory action may be directed to:

Polly Frenkel, Chief Counsel
Department of Pesticide Regulation
Office of Legal Affairs
1001 I Street, P.O. Box 4015
Sacramento, California 95812–4015
(916) 324–2666

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as above.

Linda Irokawa–Otani, Regulations Coordinator
Office of Legislation and Regulations
(916) 445–3991

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **September 21, 2006**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **September 21, 2006**, following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **September 21, 2006**, following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Oc-

cupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **September 21, 2006**.

1. **TITLE 8:** **LOGGING AND SAWMILL SAFETY ORDERS**

Chapter 4, Subchapter 13, Article 15
Section 6368

Fuel Houses, Chip Bins, and Hoppers—Sawmills

A description of the proposed changes are as follows:

1. **TITLE 8:** **LOGGING AND SAWMILL SAFETY ORDERS**

Chapter 4, Subchapter 13, Article 15
Section 6368

Fuel Houses, Chip Bins, and Hoppers—Sawmills

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) received a memorandum from the Division of Occupational Safety and Health (Division) with attached Request for New or Change in Existing Safety

Order (Form 9). The Form 9 recommended that the Logging and Sawmill Safety Orders, Section 6368, Fuel Houses, Chip Bins, and Hoppers, be amended to address the hazard of employee engulfment in loose piled materials equivalent to what is required by Section 3482 of the General Industry Safety Orders. Section 3482, Bulk Storage of Loose Materials, currently contains more comprehensive requirements for employees working at locations where there is bulk storage of loose materials.

Section 6368 and Section 3482 both address comparable work environments, except Section 6368 is part of Article 15, exclusive to logging and sawmill operations, and Section 3482 applies to general industry. The degree to which each standard addresses the hazard of employee engulfment is quite different. Section 6368 requires fuel houses to have at least two exits; provides provisions for tunnels, chains, mechanical diggers, vibrators or other means of removing materials to prevent employees from becoming trapped by a cave-in; requires provisions for platforms and walkways by employees who work over stored materials; and requires the use of safety belts with a line attended by another employee whenever the employee must leave the safety of the walkway or platform.

Section 3482 includes essentially all the provisions of Section 6368, except Section 6368 requires fuel houses to have at least two exits, use of platforms or walkways can be substituted for alternative mechanic means, and its scope is limited to logging and sawmill operations. In addition, Section 3482 contains provisions that are not included in Section 6368. These provisions include: (1) specifically requiring instruction to employees on the work hazards and engulfment/entrapment precautions; (2) providing specific mechanical means of preventing engulfment or entrapment from a cave-in that includes the use of a hoist capable of providing necessary support and use of a boatswain's chair or Class III body harness with a line suspended from a hoist; (3) requiring that the safety line be taut and be not less than 13/16 inch Manila rope or its equivalent strength and diameter; (4) blocking the inflow and outflow of material unless it is necessary to the employee's work, where a means to control or stop the material is required; and (5) explicitly stating that there be provisions for safe access and egress for any employee required to work on the pile.

Board staff has contacted a representative from the Timber Operators Council (TOC) who represents sawmills in California and the Pacific Northwest. According to the California Region Safety Representative, the TOC represents nearly 100 percent of the affected industry. The TOC representative stated that on behalf of the TOC, he had no objections or concerns over the proposal. He also indicated that not all sawmill workers in

California are represented by a collective bargaining unit. Sawmill workers at some mills are represented by the Western Council of Industrial Workers (WCIW). Board staff contacted a representative of WCIW to discuss the proposal. He indicated that he had no objections or concerns over the proposed amendments.

The proposed amendments are as follows:

Section 6368. Fuel Houses, Chip Bins, and Hoppers.

This section consists of four subsections which address engulfment hazards in sawmills. The provisions require that (1) fuel houses have two exits; (2) fuel houses, chip bins and hoppers have tunnels, chains, mechanical diggers, vibrators or other effective means of removing material so that employees do not need to work in locations where they could be entrapped by a cave-in; (3) employees have platforms and walkways, constructed as prescribed in GISO; and (4) employees not leave the walkways or other protected areas without wearing body belts and lifelines with an attendant.

Amendments are proposed to delete subsection (b) which pertains to the construction of the structure, how it is equipped, and means to remove loose material. The new language would instead require fuel houses, chip bins and hoppers in sawmills to comply with the requirements of Section 3482. Taking into account the differences between Sections 6368 and 3482, the effect of the proposed amendment referencing Section 3482, would be to: (1) require employee training on engulfment hazard prevention; (2) when the construction of structures is impractical, provide the use of a manually powered hoist with an attendant and use of a boatswain's chair or a Class III body harness with a line suspended from the hoist; (3) require the hoist lines to be controlled; and (4) provide a means to block the movement of piled materials or provide communication with a standby person who can control the material flow. The employer will also have to ensure that the diameter of the lines attached to the employee are not less than 13/16 inch Manila rope or equivalent and provide for safe access/egress from piled materials and protect against engulfment. Unlike Section 6368, the proposed amendments would not mandate the use of walkways/platforms, but require their use whenever possible.

Further amendments are proposed to delete subsections (c) and (d) which pertain to the use of platforms, walkways and use of safety belts and attended lifelines as means of protecting employees from engulfment hazards. The issues addressed by subsections (c) and (d) are proposed to be substituted with the more comprehensive requirements of Section 3482 in the proposed new subsection (b). The effect of the proposed amendments would be to expand the options for sawmills and logging facilities to prevent engulfment hazards permitted to general industry in comparable environments,

while also providing more specifications on these options.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The State of California does not operate permanent sawmill operations.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Unlike existing Section 6368, complying with the provisions of Section 3482 will provide employers some reasonable and practical flexibility in addressing employee engulfment hazards not currently afforded by Section 6368. For example, in lieu of redesigning storage structures or providing mechanical equipment or walkways, the employer can provide a manually powered hoist to lift the employee up and out of a pile of material that engulfs him/her. When any of the forgoing methods are impractical, the employer can opt to use a body belt with lifeline and attendant as an alternative.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (See Impact on Businesses.)

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does

not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. (See Impact on Businesses.)

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective

and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than September 15, 2006. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on September 21, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umamoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner ("Commissioner") proposes to amend Sections 260.230, 260.231, 260.236.1, 260.241.4 and 260.242, and repeal Sections 260.231.2 and 260.236.2, of Title 10, California Code of Regulations, under the Corporate Securities Law of 1968, as amended, relating to the mandatory use of the electronic Investment Adviser Registration Depository ("IARD") in California.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department of Corporations' ("Department") contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Karen Fong, Office of Law and Legislation, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m. on September 18, 2006. Written comments may also be sent to Karen Fong (1) via electronic mail at regulations@corp.ca.gov or (2) via fax at (916) 322-5875. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5:00 p.m. on the next business day.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department licenses and regulates investment advisers pursuant to the Corporate Securities Law of 1968, as amended. Under the Corporate Securities Law, it is unlawful for an investment advisor to conduct business without first applying for and securing a certificate from the Commissioner of Corporations, as specified. (See Corporations Code Section 25230.)

As amended by Assembly Bill 3070 (Chapter 461, Statutes of 2004), Corporations Code Section 25231 requires all investment adviser and investment adviser

representative applications and other specified documents to be filed electronically with and transmitted to the web-based IARD, operated by the National Association of Securities Dealers.

Current regulations of the Commissioner set forth requirements and procedures for filing documents, including applications, with the Commissioner, and specify reporting and notification requirements as well as requirements pertaining to a surrender of an investment adviser certificate, as specified.

This regulatory action seeks to conform these rules to AB 3070 by clarifying that all applications, reports, and other documents must be filed electronically through the IARD.

In addition, this regulatory action clarifies the procedure for successions to the business of an investment adviser in cases where the succession is based solely on a change in the predecessor's date or state of incorporation, form of organization, or composition of a partnership. The proposed rule allows the successor to amend the predecessor's Form ADV to reflect the change, rather than require the filing of a Form ADV-W (withdrawal from licensure) and a new Form ADV.

AUTHORITY

Sections 25230, 25230.1, 25231, 25241, 25610 and 25612.5, Corporations Code.

REFERENCE

Sections 25210, 25230, 25230.1, 25231, 25234, 25236, 25237, 25241, 25242, 25510, 25608 and 25608(p), 25608.1(d), 25612.5 and 25613 Corporations Code; Sections 1798.17 and 1798.18, Civil Code; Section 17520, Family Code; Sections 7470, 7473, 7490 and 13140-13144, Government Code; and Section 7 of Public Law 93-579 (5 U.S.C. Section 552a note).

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be available to the public at least 15 days prior to the date the Department adopts the regulations. A request for a copy of any modified regulations should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulations for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action and the initial statement of reasons may be obtained from the Department's website at www.corp.ca.gov. Further, the text may be obtained upon request from any office of the Department. Request Document PRO 25/04-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 25/04-C. As required by the Administrative Procedure Act, the Office of Law and Legislation maintains the rulemaking file, which is available for public inspection at the Department of Corporations, Office of Law and Legislation, 1515 K Street, Suite 200, Sacramento, California.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- Cost or Savings to any State Agency: None.
- Direct or Indirect costs or savings in federal funding to the state: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; or (3) the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action. While there is a cost impact from electronic filing, it is a result of legislation and not a result of this rule-making action.

EFFECT ON SMALL BUSINESS

The proposed regulatory action will not affect small businesses because investment advisers are excluded from the definition of small business in Government Code Section 11342.610, subdivision (b)(1).

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as request for copies of the text of the proposed regulations may be directed to Karen Fong at (916) 322-3553. The backup contact person is Suzi Ishikawa at (916) 322-3553. Inquiries regarding the substance of the proposed regulations may be directed to Colleen Monahan, Senior Counsel, at (916) 322-3553.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

INDIVIDUAL DISABILITY POLICY LOSS RATIO REGULATIONS

**RH-06092236
July 21, 2006**

SUBJECT OF HEARING

Notice is hereby given that a public hearing will be held regarding the adoption of amendments to Califor-

nia Code of Regulations ("CCR") Title 10, Chapter 5, Subchapter 2, Article 1.9 ("Standards for Determining Whether Benefits of an Individual Hospital, Medical or Surgical Policy Are Unreasonable In Relation to the Premium Charged Pursuant to Subdivision (c) of Section 10293"), sections 2222.10, 2222.11, 2222.12, 2222.13, 2222.14, 2222.15, 2222.16, 2222.17, and 2222.19. The proposed regulation will significantly increase the loss ratio requirement for individual hospital, medical or surgical policies, describe the actuarial method by which the loss ratio is to be calculated, provide that the new loss ratio will apply to new policies and to existing policies on rate revision, include mass-marketed policies, delete an obsolete preliminary screening procedure and an obsolete table of credibility factors, and make other, non-substantive, changes.

HEARING DATE AND LOCATION:

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations as follows:

**Date and time: September 19, 2006
10:00 am***

**Location: Department of Insurance Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105**

*The hearing will continue on the date noted until all testimony has been completed or 5:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS

All persons are invited to present oral and/or written comments at the scheduled public hearing. Written comments should be addressed to the contact person, listed below under the heading "Contact Persons." Questions regarding procedure, the hearing, comments, or the substance of the proposed action should be also addressed to the contact person listed below.

DEADLINE FOR WRITTEN COMMENTS

All persons are invited to submit written comments on the proposed regulations during the public comment period. **The public comment period will end at 5:00 p.m. on September 19, 2006.** All written comments, whether submitted at the hearing, or by U.S. mail, or by e-mail or facsimile, must be received by the Insurance Commissioner, c/o the contact person at the address listed below, no later than **5:00 p.m. on September 19,**

2006. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: HinzeB@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the attention of the contact person at the following facsimile number: (415) 904-5896. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the 5:00 p.m. September 19, 2006 deadline for written comments set forth above.**

AUTHORITY AND REFERENCE

Authority:

The Insurance Commissioner proposes the adoption of amendments to California Code of Regulations ("CCR") Title 10, Chapter 5, Subchapter 2, Article 1.9 ("Standards for Determining Whether Benefits of an Individual Hospital, Medical or Surgical Policy Are Unreasonable In Relation to the Premium Charged Pursuant to Subdivision (c) of Section 10293"), sections 2222.10, 2222.11, 2222.12, 2222.13, 2222.14, 2222.15, 2222.16, 2222.17, and 2222.19, pursuant to the authority vested in him by section 10293 of the California Insurance Code.

Reference:

The Commissioner's decision on the proposed amendments will implement, interpret, and make specific the provisions of Insurance Code section 10293.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW

1) Purchasers of individual hospital, medical or surgical policies lack expertise and market power

One of the most significant factors facing purchasers of individual hospital, medical or surgical insurance is the disparity in expertise and market power between the purchaser and the insurer. While large purchasers of group health insurance have expertise in judging the level of benefit, and market power in negotiating benefits, small groups and individuals lack such expertise and market power. In part as a result of this disparity, the market for individual insurance does not function at full

efficiency. This disparity in market knowledge and market power accounts, in part, for the fact that the amount of premium remaining after benefits and expenses is significantly higher for individual hospital, medical or surgical insurance, as compared to group health insurance.

2) Purchasers of individual hospital, medical or surgical policies bear an increasing economic burden

Consumers who purchase individual hospital, medical or surgical insurance policies face a growing economic burden, as both premium costs and out-of-pocket expenses have significantly increased. This economic burden is consistent with larger trends in health care costs. In the past decades, health care spending in the United States has outpaced the general rate of inflation. Nationally, the amount spent per person on health care increased 74 percent between 1994 and 2004. In addition to the increase in health care costs, the nature of the expenses has changed over the past 20 years, shifting to areas for which the individual hospital, medical or surgical insurance policyholder often must pay a significant portion of the expense. Between 1984 and 2004, the amounts paid for prescription drugs, as a percentage of national health expenditures, increased from 4.9% to 10.0%. From 2001 through 2004, the average annual growth rate in national health care expenditures was 8.4 percent. In the California individual hospital, medical or surgical insurance market, premiums rose almost 40 percent between 1997 and 2002, in contrast to an approximately 12 percent rise in the prices of other goods and services, as measured by the Consumer Price Index, over the same period.

3) Purchasers of individual hospital, medical or surgical policies are a vulnerable population

While this environment of rising costs poses challenges for purchasers of individual hospital, medical or surgical insurance, additional factors make these purchasers particularly vulnerable. First, the individual hospital, medical or surgical insurance market is the last resort for many; California has a higher rate of persons without insurance and lower rates of employer-sponsored coverage than does the nation as a whole. In addition, the need for individual hospital, medical or surgical insurance has been increasing due to corporate downsizing. Those who are not fortunate enough to receive insurance through their workplace and are not eligible for public programs must attempt to obtain coverage in the individual market. Once covered by individual insurance, many consumers rely on maintaining that coverage for years. In California, the individual insurance market is an important source of long-term hospi-

tal, medical or surgical insurance coverage for a sizable fraction of those who purchase it.

A second factor that confronts purchasers of individual hospital, medical or surgical insurance policies is the fact that products in the individual market are difficult to qualify for because they are carefully underwritten to manage risk. A third factor is the rapidly increasing cost of individual insurance. High premiums and the low incomes of many of the potential purchasers of individual insurance makes affordability a particular concern. The increasing expense of individual hospital, medical or surgical insurance reduces affordability, which in turn reduces availability for consumers who might otherwise be forced to go without vital hospital, medical or surgical insurance coverage. Also, inadequate benefits in individual insurance coverage can be a major source of underinsurance, which affects 13–20 percent of the privately insured. On average, coverage in the individual hospital, medical or surgical insurance market is less complete than coverage in the group market. Thus, purchasers of individual hospital, medical or surgical insurance are faced with rapidly increasing health care costs in general, as well as even more rapidly increasing premiums for individual coverage. Because they have no realistic alternative to individual coverage, such persons are at risk of being priced out of the individual insurance market, and joining the large number of uninsured Californians.

4) Conclusion

Over forty years ago, the Legislature recognized that the market for individual hospital, medical or surgical insurance would have to be supported by regulation in order to ensure that policyholders received a reasonable return in benefit for their premium dollar. This regulation increases the efficiency of the market for individual hospital, medical or surgical insurance. The statutory basis for this regulation, Insurance Code section 10293 (discussed below), provides that approval for a policy may be withdrawn if the benefits provided are unreasonable in relation to the premium charged. Since 1962, the standard for the reasonableness of the relationship between benefits provided and premium charged for most policies has been a minimum 50 percent loss ratio (calculated by dividing the benefits provided by the amount of premium charged). However the dramatic transformation of the health care market over the ensuing 44 years has made the 50 percent loss ratio an inadequate standard. Premiums have increased to the point where individual hospital, medical or surgical insurance has become a heavy economic burden even for those who pass medical underwriting. Increasing out-of-pocket expenses for copays, deductibles, and uncovered care add to this burden. In addition, the pur-

chasers of individual hospital, medical or surgical policies often have no alternative, and lack expertise and market power. Because of these factors, the legislative mandate of a reasonable relationship between premium charged and benefits received requires that the loss ratio requirement be raised in order to support the individual hospital, medical or surgical insurance market and ensure that these consumers obtain fair value for their hospital, medical or surgical insurance dollars.

SUMMARY OF EXISTING LAW; EFFECT OF PROPOSED ACTION

Summary of Existing Law:

Insurance Code section 10293, originally enacted during the 1961 legislative session and as subsequently amended, requires, among other provisions, that the Insurance Commissioner withdraw approval of individual or mass-marketed policies of disability insurance “if after consideration of all relevant factors the commissioner finds that the benefits provided under the policy are unreasonable in relation to the premium charged.” The same Insurance Code section also required that the Insurance Commissioner promulgate “such reasonable rules and regulations. . . as are necessary to establish the standard or standards by which the commissioner shall withdraw approval of any such policy.” As a result, on November 30, 1962, the Insurance Commissioner ordered that a new Article 1.9, consisting of sections 2222.10 to 2222.19, be added to the California Administrative Code. This article adopted a “loss ratio” as the means to determine whether the benefits provided by a policy were reasonable in relation to the premium charged. A loss ratio is a measure used by the actuarial profession to evaluate the reasonableness of the benefits provided by a hospital, medical or surgical policy. Here, the “loss ratio” is the ratio of incurred claims to earned premium over the lifetime of a block of insurance business.

As adopted in 1962, section 2222.12, “Standards of Reasonability,” provided standards of reasonableness for the ratio of benefits to premium charged in hospital, medical, and surgical policies. These standards were a loss ratio of not less than 50 percent (for policies with annual premiums in excess of \$7.50 per person), and 35 percent (for policies with annual premiums below \$7.50 per person). Article 1.9 was subsequently amended in March 1978 to add a minimum loss ratio of 55 percent for Medicare supplement policies. In January 1983, Article 1.9 was further amended to set a revised loss ratio of 60 percent for Medicare supplement policies. However, the loss ratio standard for non-Medicare supplement individual group policies has remained at 50 percent for forty-four years.

The authority for the existing law, and for each of the proposed amendments, is Insurance Code section 10293. The reference is 10293.

Effect of Proposed Action:

The specific proposed amendments and their effect are discussed below.

Section 2222.10. Applicability.

The amendment deletes the obsolete 1962 operative date for the regulation, and instead makes the amended regulation applicable to new hospital, medical or surgical policies delivered or issued on or after July 1, 2007. The proposed amendment to section 2222.10 also provides that the increased loss ratio established by this amended regulation will apply to existing policies subject to a rate revision effective on or after July 1, 2007.

Section 2222.11. Definitions.

Subdivision (a):

The existing subdivision provided a definition of the term “hospital, medical, or surgical policy.” This definitional subdivision was included as a part of the original regulation when it first went into effect in 1962.

The purpose of the proposed amendment to this section is to incorporate Insurance Code section 106, which was amended in 2001 to provide a definition of “health insurance,” into the definition of a “hospital, medical or surgical policy.” Similarly, in 1981 Insurance Code section 10293 was amended to include mass-marketed policies within the category of policies covered by that section. The proposed amendment incorporates the 1981 revision of section 10293 into the definition of “hospital, medical or surgical policy.”

New subdivision (f):

The existing regulation was applicable to policies issued after July 1962, but did not apply to policies in force as of that effective date.

The proposed amended regulation includes a provision that the increased loss ratio requirement will apply to existing policies upon rate revision (as well as to new policies) after the proposed effective date, July 1, 2007. Subdivision (f) provides a definition of “rate revision.” The definition provides that a “rate revision” occurs when premium rates change.

New subdivision (g):

The existing regulation, at 2222.12, describes the loss ratio calculation, but does not do so using current actuarial terminology.

The definition provided in this new subdivision (g) specifies the factors included in the calculation of a lifetime anticipated loss ratio, and the method of calculation, using current actuarial terminology.

Section 2222.12. Minimum Loss Ratio Standards

As described above under “Summary of Existing Law,” the existing regulation provides for a minimum loss ratio of 50% for individual hospital, medical, or surgical policies with annual premiums in excess of \$7.50 per person, as well as other loss ratios for policies with lower annual premiums, and for Medicare supplement policies.

The proposed amended regulation changes the minimum loss ratio level at which non-Medicare-supplement hospital, medical, or surgical policies will be deemed to be reasonable from 50 percent to 70 percent.

The proposed amended regulation clarifies that the minimum loss ratio of 70 percent is calculated as a “lifetime anticipated” loss ratio. A “lifetime anticipated” loss ratio considers both the actual and anticipated experience (including incurred claims, changes in reserves, taxes and commission, administrative expenses, and gross margin) over the anticipated lifetime of an insurance product in a way that takes into account random annual fluctuations in earnings and claims, as well as the fact that loss ratios during the early years of a policy are expected to be lower than loss ratios during the policy’s later years. The lifetime loss ratio incorporates both the historical and anticipated performance of a given policy, and so provides the fairest picture of the design of the insurance policy in terms of how well it will deliver benefits to the consumer.

Further, in order to confer this reasonable level of benefit on both new policyholders and current policyholders (who often have no other realistic coverage options), the proposed regulation applies the 70 percent loss ratio requirement to new policies, and also to existing policies that file for rate revision. The proposed amended regulation requires that, upon the filing of a rate revision, the policy must demonstrate both a 70 percent lifetime loss ratio for the entire life of the product, as well as a 70 percent loss ratio for the period for which the amended rates are computed.

The proposed regulation deletes the provision of the 1962 regulation that provided for a 35 percent loss ratio for policies with an annual premium of less than \$7.50 per person. There are no longer any policies available at that premium rate, and so this provision is now surplus.

The proposed regulation also modifies the reference to loss ratios for policies designed to supplement Medicare. This provision was added in 1978, and amended in 1983, on both occasions specifying a specific loss ratio amount. In 2000, Insurance Code section 10192.14 was enacted, specifying a loss ratio amount for policies designed to supplement Medicare. The proposed amendment of the regulation incorporates Insurance Code section 10192.14(a)(1)(A) by reference, rather than stating a loss ratio amount. The effect of this amendment will be that the regulation will automatically incorporate

any change in the loss ratio amount without need for further revision, should Insurance Code section 10192.14 be amended.

The proposed regulation changes the title of the section to "Minimum Loss Ratio Standards" in order to achieve improved clarity and specificity.

Section 2222.13: Preliminary Screening Procedure.

Insurance Code section 900 provides that insurers must file an annual statement with the department. The existing regulation provides for a preliminary screening of policies based on national data obtained from this annual statement (specifically, the accident and health policy experience exhibit of the annual statement blank promulgated by the National Association of Insurance Commissioners ["NAIC"]). However, effective as of 2007 for reports reflecting 2006 data, this NAIC experience exhibit will change from requiring that data be reported based on policy forms to, instead, requiring that data be reported based on type of business. Therefore, the experience exhibit will no longer contain the information needed for the implementation of the existing preliminary screening procedure described by existing section 2222.13. Thus, the proposed amended regulation deletes this entire section.

Section 2222.14: Credibility Factors.

Credibility factors are an actuarial means of determining whether deviation from a standard may be due to chance variation; for example, an insurance product in which relatively few policies have been sold would ordinarily be expected to show more deviation due to chance variation than would an insurance product with a large number of outstanding policies. The existing credibility factor provision dates back to 1962, and is based solely on premium volume figures that are outdated. The proposed amended provision provides that the commissioner may consider a broader set of credibility factors, not merely limited to premium volume, in recognizing deviations due to chance variation.

Section 2222.15: Communication to Insurer.

The proposed changes to this section involve a minor punctuation change that does not alter the substantive meaning of the section. The proposed change is to add a comma after "2222.17" in the introductory clause, as follows: "Prior to taking any action under Section 2222.17, the commissioner will. . ."

Section 2222.16: Consideration of Relevant Factors.

The proposed changes to this section involve deleting the provision regarding "policies issued on an industrial debit basis" as such policies are no longer issued, so these provisions are now superfluous.

Section 2222.17: Notice to Insurer.

The proposed amendments to this section are to enhance readability and clarity, and to substitute gender-neutral terms, and do not represent a substantive change from the existing regulation, as follows: The existing text:

"He shall further advise the insurer that unless within 31 days from the date thereof the insurer has committed itself in writing to the commissioner that it will, within 90 days thereafter, voluntarily either cease further issuance of the policy form or increase benefits under the policy in relation to premiums charged therefor sufficiently that they are reasonable in relation to such premiums, then the commissioner will thereafter, at his discretion, commence proceedings for the withdrawal of authorization of the form after notice and hearing as provided by law. At any time after expiration of said 31 days so specified, and if the insurer has not so committed itself to discontinue issuing the policy or increase benefits under the policy in relation to premiums charged, the commissioner may commence proceedings as provided by law for withdrawal of the authorization of the policy form,"

is replaced by

"The commissioner shall also advise the insurer that the commissioner will, at the commissioner's discretion, commence proceedings for withdrawal of authorization of the form after notice and hearing as provided by law unless, within 31 days from the date of the notification, the insurer commits itself in writing to the commissioner that it will, within 90 days, voluntarily either (1) cease further issuance of the policy form or (2) increase benefits under the policy in relation to the premiums charged in an amount sufficient to bring the policy into compliance with the minimum loss ratio standards provided for in section 2222.12. If the insurer does not commit itself, within 31 days from the date of the notification, to discontinue issuing the policy or increase benefits under the policy in relation to premiums charged, the commissioner may commence proceedings at any time as provided by law for withdrawal of the authorization of the policy form."

Section 2222.19: Filing Experience Data

The proposed changes to this section delete obsolete references to policies with annual premiums of \$7.50 or less, and policies issued on the industrial debit basis, as such policies are no longer sold. The subdivisions are also re-numbered to conform to this change. Also, the phrase "pursuant to footnote (5) of the accident and

health policy exhibit” is deleted, as the referenced exhibit no longer has a footnote 5.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with section 17500) of Division 4 of the Government Code would require reimbursement.

FISCAL IMPACT (COST OR SAVINGS TO ANY STATE OR LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING)

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

EFFECT ON HOUSING COSTS:

The matters proposed herein will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurance companies.

The Commissioner has not considered other proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses;
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses;
- (iii) The use of performance standards rather than prescriptive standards;
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

ASSESSMENT REGARDING EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, and the expansion of businesses currently doing business within the State. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT, FINDING OF NECESSITY

This proposed amended regulation continues an existing reporting requirement. The Commissioner has found that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses. (Government Code sec. 11346.3(c).)

IMPACT ON SMALL BUSINESS

The proposed regulations directly affect insurers. Pursuant to Government Code section 11342.610(b)(2), insurers are not small businesses. Implementation of an increased loss ratio requirement may, however, benefit small businesses, as the requirement that premiums bear a closer relationship to benefits may result in lower premiums.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that

has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

CONTACT PERSONS

Written comments should be addressed to the contact person:

Bruce Hinze, Staff Counsel
California Department of Insurance
45 Fremont Street, 23rd Floor
San Francisco, CA 94105
Telephone: (415) 538-4392

Questions regarding procedure, the hearing, comments, or the substance of the proposed action should be addressed to the contact person listed above. If he is unavailable, inquiries may be addressed to the backup contact person:

Nancy Hom, Staff Counsel III
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4144

AVAILABILITY OF EXPRESS TERMS (TEXT OF REGULATIONS), INITIAL STATEMENT OF REASONS, AND RULEMAKING FILE

A copy of the express terms of the proposed amendments to the regulation is available, and will be made available for inspection and copying upon request to the contact person listed above.

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed regulations. The Initial Statement of Reasons will be made available for inspection and copying upon request to the contact person listed above.

The rulemaking file for this proceeding, which includes a copy of the express terms of the proposed amendments to the regulation, the Initial Statement of Reasons, all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action, is available for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday by prior appointment with the contact person listed above.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, the full text of the regulation changed pursuant to Government Code section 11346.8 will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

FINAL STATEMENT OF REASONS

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. Requests for the Final Statement of Reasons should be directed to the contact person listed above.

WEBSITE POSTINGS

Documents concerning this proceeding will be available on the Department's website. The documents will include the proposed regulations, the Notice of Hearing and Informative Digest, the Initial Statement of Reasons, and, when it has been prepared, the Final Statement of Reasons. To access documents concerning this proceeding, go to <http://www.insurance.ca.gov>. Find the link "QUICK LINKS" in blue on the left of the screen. Click on the arrow next to "QUICK LINKS," then click on "Legal Information" in the drop-down menu. In the "Legal Information" screen, click on the "Proposed Regulations" link in the center of the screen. A new screen will open titled "Search or Browse for Documents for Proposed Regulations." In the search field under "How to Search" enter 'RH06092236' (the Department's regulation file number for these amended regulations), and click "submit."

AUTOMATIC MAILING

A copy of the proposed regulations and this Notice (including the Informative Digest, which contains the general substance of the proposed regulations) will automatically be sent to all persons on the Insurance Commissioner's mailing list.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to

notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Title 10 of the California Code of Regulations, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CORRECTIONS STANDARDS AUTHORITY

REGARDING THE MINIMUM STANDARDS FOR JUVENILE FACILITIES CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, SECTION 13-201 AND PART 2, SECTION 460A

Minimum Standards for the Design and Construction of Juvenile Facilities

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Corrections Standards Authority (CSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1, Section 13-201 and Part 2, Section 460A. The CSA is proposing building standards related to the design and construction of local juvenile detention facilities.

PUBLIC COMMENT PERIOD

The CSA will hold the following public hearings:

August 23, 2006

10:00 am

Orange County Probation Department
Training Rooms
1001 Grand Avenue
Santa Ana, CA 92705

September 25, 2006

10:00 am

Corrections Standards Authority
660 Conference Room
660 Bercut Drive
Sacramento CA 95814

At the public hearings, any person may present statements or arguments relevant to the proposed regulatory action summarized below. The meeting facilities provide reasonable accommodations. The hearings will remain open as long as persons in attendance are presenting testimony.

Written comments will be accepted by the CSA regarding the proposed changes from **Aug. 4, 2006 until 5:00PM on September 25, 2006.**

Please address your comments to:

Gary Wion, Field Representative
Corrections Standards Authority
(916) 324-1641
gary.wion@cdcr.ca.gov
Facsimile No.: (916) 327-3317

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CSA may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CSA adopts, amends, or repeals the regulation(s). The CSA will accept written comments on the modified building standards during the 15-day period. Comments should be addressed to the above-noted Field Representative.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Welfare and Institutions Code Sections 210 and 885. The CSA is proposing this regulatory action based on Welfare and Institutions Code Sections 210 and 885.

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 210 and 885 of the Welfare and Institutions Code authorize the Corrections Standards Authority to establish building standards for local juvenile detention facilities.

Summary of Existing Regulations

Existing building standards that prescribe requirements for building design and construction of local detention facilities are promulgated by the Corrections Standards Authority. These regulations are contained in Title 24, Part 1 and Title 24, Part 2, Volume 1. Further, Appendix Chapter 3A (AC3A), Division II, Title 24, California Building Code regulations have been adopted by the State Fire Marshal and they are frequently referred to as "the State Fire Marshal's Regulations." These regulations apply to both adult and juvenile detention facilities."

Summary of Effect

The proposed action would update Title 24 Parts 1 and 2, adopting new and revised definitions to add clarity to the regulations; replace "Board of Corrections" with "Corrections Standards Authority" based upon legislative action; increase the decibel levels in day-room areas from 65 to 70 and from 35 to 45 in sleeping areas and classrooms; require camp and ranch facilities to have access to a shower, secure storage space, telephones and hot and cold running water for staff use; ensure that the requirements for living units apply to both juvenile halls and camps and ranches; increase the minimum dayroom space per minor in camps and ranches from 30 to 35 feet; require audio monitoring systems in all locked rooms in both juvenile halls and camps and ranches; create a requirement for intensive supervision units within camps and ranches; and, create a new regulation that requires program and activity areas within camps and ranches..

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations for local juvenile detention facilities in conformance with sound correctional practices

and to ensure the safe and secure detention of incarcerated minors.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Corrections Standards Authority or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CSA has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The proposed regulatory action will not affect businesses because the scope of these regulations is specific to the operation of local detention facilities in California.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Corrections Standards Au-

thority has not made a finding of necessity for the public health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CSA has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.
The Corrections Standards Authority has determined that the proposed regulatory action will not eliminate jobs in the State of California.
- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.
The Corrections Standards Authority has determined that the proposed regulatory action will not create or eliminate existing businesses in the State of California.
- ☐ The expansion of businesses currently doing business with the State of California.
The Corrections Standards Authority has determined that the proposed regulatory action will not expand businesses currently doing business in the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CSA has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CSA has made the determination that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the CSA website:

<http://www.csa.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Thomas L. Morrison, Deputy Director
Michael L. Nearman
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Gary Wion, Field Representative
Corrections Standards Authority
(916) 324-1641
Gary.wion@cdcr.ca.gov
Fax: (916) 327-3317

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Em-

ployer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

<p>ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS</p>
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**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Office of Administrative Law

**Acceptance of Petition to Review Alleged
Underground Regulation**

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

You must also send a copy of your comment to the petitioner and the agency contact as identified in the petition. Please refer to CTU-06-0628-01.

The petitioner is:

Mike Price H-20228
M.C.S.P. C-11-239-L
P.O. BOX 409060
Ione, CA 95640

The agency contact is:

Tim Lockwood
Chief of Regulation Management and Policy Branch
Department of Corrections and Rehabilitation
P.O. BOX 942883
Sacramento, CA 94283-0001

MIKE PRICE H-20228
M.C.S.P. C-11-239-L
P.O. BOX 409060
IONE, CA 95640

PROPOSITION 65

STATE OF CALIFORNIA
PETITION FOR REGULATION
DETERMINATION

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

PETITION:
MIKE PRICE

**California Environmental Protection Agency
Office of Environmental Health
Hazard Assessment
Notice to Interested Parties**

RESPONDENT:
DIRECTOR, OF CALIFORNIA
DEPARTMENT OF CORRECTION
AND REHABILITATION

August 4, 2006

CASE NO.

**ANNOUNCEMENT OF SECOND PUBLIC
COMMENT PERIOD**

Request for Regulation
Determination for a possible
Underground Regulation
Pursuant to Government Code
Section 11340.5; Title 1,
California Code of Regulation,
Chapter 1 Article 3

**Draft Technical Support Documents on Proposed
Public Health Goals for Cadmium, Glyphosate,
N-Nitrosodimethylamine, and Water-Soluble
Polychlorinated Biphenyls (PCBs) Expected to be
Found in Drinking Water**

I, Mike Price, declare that I am the Petitioner to the above-referenced matter, and the regulations that I am requesting the Office of Administrative Law to review as a possible underground Regulation, (DOM Article 43) and all the Section there in.

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the revised draft technical support documents for proposed Public Health Goals (PHGs) for cadmium, 2,4-D, glyphosate, N-nitrosodimethylamine, and water-soluble polychlorinated biphenyls (PCBs) expected to be found in drinking water. The draft documents are posted on the OEHHA Web site (www.oehha.ca.gov). OEHHA is soliciting comments on the draft reports during a 30-day comment period. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for receiving public input.

Please note Exhibit-A ILLustates that Article 43 As a whole eliminates inmates rights to any expectation of personal property, Like the reasonable expectation to the uses of said personal property until the personal property is no longer usable.

OEHHA will evaluate all the comments received and revise the document as appropriate. Written comments must be received at the OEHHA address below by 5:00 p.m. on September 4, to be considered before publication of the final document. The final document will be posted on our Web site along with responses to the major comments received during the public review and scientific comment periods.

Now in Exhibit -B the Memorandum shows that the California Department of Correction and Rehabilitation is attempting to enforce this new Article 43, By giving Inmates a dead line of 30 days to ship home our personal property that they now deem unauthorized personal property.

I declare under penalty of perjury that the foregoing is true and correct.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365) requires OEHHA to de-

/s/
Mike Price

June 18, 2006

velop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Thomas Parker (tparker@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
Headquarters: 1001 I Street, 12th floor
Sacramento, California 95814
Mailing address: P.O. Box 4010, Sacramento, CA 95812-4010
Attention: PHG Project

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE OF INTENT TO LIST CHEMICALS
Extension of Public Comment Period
August 4, 2006**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65.

On July 21, 2006, OEHHA published a notice in the *California Regulatory Notice Register* (Register 06, No. 29-Z) announcing its intent to list *anthraquinone* under Proposition 65 as a chemicals known to the state to cause cancer in accordance with the regulatory criteria in Section 12306 of Title 22 of the California Code of Regulations. The publication of the notice initiated a 30-day public comment period which would have closed on August 21, 2006. OEHHA has received a request from an interested party seeking an extension of

the comment period to allow for the submission of complete and relevant scientific information. OEHHA hereby extends the public comment period for *anthraquinone* for 60 days to 5 p.m., **Friday, October 20, 2006**.

Written comments provided in triplicate, along with supporting information, may be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Friday, October 20, 2006.

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:

ACUPUNCTURE BOARD

REGULATORY ACTION:
Title 16, California Code of
Regulations

Adopt sections: 1399.490, 1399.491

Amend sections: 1399.480, 1399.481, 1399.482,
1399.483, 1399.484, 1399.485, 1399.486, 1399.487,
1399.488, 1399.489, 1399.489.1

DECISION OF DISAPPROVAL
OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 06-0608-01 S

SUMMARY OF REGULATORY ACTION

In this regulatory action, the Acupuncture Board (“the Board”) adopts regulations pursuant to Business & Professions Code section 4933 concerning a thirty (30) hour continuing education requirement every two (2) years for licensees in acupuncture, with four (4) hours in drug/herb interaction. It also adopts regulations relating to the active/inactive status of license holders and mandatory completion of certain courses, as well as distinguishes among categories of courses.

On July 20, 2006, the Office of Administrative Law (“OAL”) notified the Board of the disapproval of the above-referenced regulatory action. OAL disapproved the regulations for the following reasons: (1) failure to comply with the “Consistency” standard of Government Code section 11349.1, (2) failure to comply with the “Clarity” standard of Government Code section 11349.1, and (3) failure to comply with the “Necessity” standard of Government Code section 11349.1.

Although there were numerous provisions of the proposed regulations that failed to meet the Consistency, Clarity and Necessity standards, only examples of some of the issues are contained in this disapproval. These examples and all of the Consistency, Clarity and Necessity conflicts with the regulations must be resolved before the regulations can be approved by OAL. All of the issues have been discussed with the Board staff. Because the regulations require significant redrafting, OAL reserves the right to conduct a complete APA review when the regulations are resubmitted.

Date: July 27, 2006

ELIZABETH A. HEIDIG

Counsel

for: WILLIAM L. GAUSEWITZ

Director

Original: Janelle Wedge, Interim Executive Officer

DEPARTMENT OF SOCIAL SERVICES

STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW

In re:

DEPARTMENT OF SOCIAL
SERVICES

REGULATORY ACTION:

Title 22, California Code of
Regulations

Adopt Sections: 82003, 82005, 82006, 82007, 82010, 82012, 82017, 82018, 82019, 82019.1, 82020, 82021, 82023, 82024, 82027, 82028, 82029, 82030, 82031, 82034, 82035, 82036, 82040, 82042, 82044, 82046, 82051, 82052, 82053, 82054, 82055, 82055.1, 82056, 82058, 82059, 82062, 82063, 82066, 82068, 82069, 82071, 82072, 82073, 82074, 82077.2, 82077.4, 82077.5, 82086, 82087.5, 82090, 82091, 82092, 82092.1, 82092.2, 82092.3, 82092.4, 82092.5, 82092.6, 82092.7, 82092.8, 82092.9, 82092.10, 82092.11, 82093

Amend Sections: 80000, 80001, 80011, 80019, 80027, 80036, 80068.5, 80075, 80077.2, 80087, 80092.2, 80092.8, 80092.9, 82000, 82001, 82009, 82061, 82064, 82065, 82065.1, 82065.5, 82068.2, 82068.3, 82075, 82075.1, 82075.2, 82076, 82078, 82079, 82087, 82087.2, 82087.3, 82087.4, 82088, 82088.2, 82522, 82568.5, 82570, 82577

Repeal Sections: 82500, 82501, 82564, 82565, 82565.1, 82565.5, 82568.2, 82568.3, 82575, 82575.1, 82576, 82579, 82587, 82587.2, 82587.3, 82587.4, 82588, 82588.2

DECISION OF DISAPPROVAL
OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 06-0605-02 S

SUMMARY OF REGULATORY ACTION

This regulatory action implements section 1530.1 of the Health and Safety Code which requires that the Department of Social Services adopt regulations to combine adult day care and adult day support centers licensing categories into one category: adult day programs.

Date: July 25, 2006

CRAIG S. TARPENNING
Senior Staff Counsel

For: **WILLIAM GAUSEWITZ**
Director

Original: Dennis Boyle, Director
cc: Alison Garcia

<p>SUMMARY OF REGULATORY ACTIONS</p>

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION
California High School Exit Examination

In this Certificate of Compliance regulatory action, the Board of Education adopts and amends regulations pertaining to the California High School Exit Examination, particularly relating to (1) the data reporting requirements of Education Code sections 60851 and 60852.3 involving students with disabilities, and (2) testing opportunities for eligible adult students.

Title 5
California Code of Regulations
ADOPT: 1207.1, 1207.2 AMEND: 1204.5
Filed 07/25/06
Effective 07/25/06
Agency Contact: Debra Strain (916) 319-0641

BOARD OF EDUCATION
California Fresh Start Pilot Program

This emergency action adopts the California Fresh Start (CFS) Pilot Program mandated by S.B. 281 (Stats. 2005, Chap. 236) for a second time. The program was initially adopted by OAL file number 06-0306-01E as an emergency on 3/16/06. The initial emergency adoption of the program was repealed by operation of law on 7/15/06 because of the Board's failure to file the Certifi-

cate of Compliance rulemaking file with OAL making permanent the initial emergency filing by the 7/14/06 statutory deadline.

Title 5
California Code of Regulations
ADOPT: 15566, 15567, 15568, 15569
Filed 07/21/06
Effective 07/21/06
Agency Contact: Debra Strain (916) 319-0641

**BUSINESS, TRANSPORTATION AND HOUSING
AGENCY**

Metal Plating Facility Loan Guarantees

Business, Transportation, and Housing Agency proposes adoption of regulations to establish a loan guarantee program to assist metal plating facilities purchase environmental control equipment or technologies needed to comply with upcoming emissions requirements, or to exceeding existing ones. This program is authorized pursuant to AB 721 (Stats. 2005, ch. 695). This action was submitted to the Office of Administrative Law on 7/17/06 as a deemed emergency under Public Resources Code sec. 42106.

Title 10
California Code of Regulations
ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286
Filed 07/26/06
Effective 07/26/06
Agency Contact: Glenn Stober (916) 324-9538

**CALIFORNIA GAMBLING CONTROL
COMMISSION**

General Provisions

This rulemaking action amends Title 4, sections 12358 and 12359 of the CCR to reflect revisions to forms required to request additional gaming tables on a temporary or permanent basis. The regulations are being amended to reflect the updated revision date of the forms. The forms are being amended to reflect the physical address of the Commission because the Commission is canceling its post office box. The Commission is also changing the internal management box for tracking different aspects of the applications. Both of the changes to the forms are nonsubstantive.

Title 4
California Code of Regulations
AMEND: 12358, 12359
Filed 07/19/06
Effective 08/18/06
Agency Contact:
Heather Cline-Hoganson (916) 274-6328

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

Medical and Ethical Standards

The California Institute for Regenerative Medicine (“CIRM”) was established in 2005 pursuant to the passage of Prop 71, the CA Stem Cell Research and Cures Initiative. CIRM’s function is to allocate funding for stem cell research and dedicated facilities. The “ICOC” is the governing board of CIRM which promulgates regulations governing the new institute. Health & Saf. Code Section 125290.40(k) allowed CIRM to adopt interim regulations without compliance with the Administrative Procedures Act (“APA”) in order to facilitate the commencement of research. Those interim regulations will expire on July 30, 2006, unless adopted pursuant to the APA. The adoption of these emergency regulations will allow the ICOC to complete its formal rulemaking process by a regular rulemaking. These regulations focus on the derivation, procurement, banking, and use of human embryonic stem (HES) cell lines and establish ethical standards for conducting research with human stem cells.

Title 17

California Code of Regulations

ADOPT: 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150

Filed 07/24/06

Effective 07/24/06

Agency Contact: C. Scott Tocher (415) 396–9136

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Revision to Waste Tire Hauler Regulations (Comprehensive Trip Log)

This is the certification of compliance for the permanent adoption of regulations to simplify the process and forms used to report transactions involving waste and used tires; to allow case-by-case substitutions for the forms in use or electronic reporting of the information required, to define terms relating to the required reports, and to make related changes.

Title 14

California Code of Regulations

ADOPT: 18459.1.2, Forms CIWMB 203, 204
AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables I, II

Filed 07/19/06

Effective 07/19/06

Agency Contact: Wendy Breckon (916) 341–6068

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This emergency action will regulate new “hosts” and “associated hosts” in compliance with a federal order to arrest the artificial spread of oak mortality disease.

Title 3

California Code of Regulations

AMEND: 3700(c)

Filed 07/26/06

Effective 07/26/06

Agency Contact: Stephen Brown (916) 654–1017

DEPARTMENT OF FOOD AND AGRICULTURE
Standardization Assessment Rates

This action repeals Title 3, Section 1366, which enabled DFA to charge half the statutorily required assessment rate to reduce the DFA’s reserve account, which was building up because of state cutbacks. Since 2002, the reserve account has been substantially depleted, rendering section 1366 unnecessary.

Title 3

California Code of Regulations

REPEAL: 1366

Filed 07/21/06

Effective 07/01/06

Agency Contact: Susan Shelton (916) 445–2180

DEPARTMENT OF HEALTH SERVICES
Standards for Protection Against Radiation

These changes amend Section 30100(a) to specify the location of the Radiation Control Law in the Health and Safety Code and amend Section 30253 to achieve compatibility with the updated Nuclear Regulatory Commission (NCR) protection standards and to make a few other changes that are without regulatory effect. The updated standards are incorporated by reference.

Title 17

California Code of Regulations

AMEND: 30100, 30253

Filed 07/20/06

Effective 08/19/06

Agency Contact: Cathy Ruebusch (916) 440–7841

DEPARTMENT OF INSURANCE
California Low Cost Automobile Insurance Program Rates

This is a readopt of a prior emergency regulatory action (OAL file no. 06–0314–01EFP) that established the uniform rates for the liability policy, uninsured motorists and medical payments coverage’s under the Low Cost Automobile Insurance Program, to be made available beginning April 1, 2006, for the following counties: Alameda, Fresno, Orange, Riverside, San Bernar-

dino and San Diego pursuant to Insurance Code section 11629.79. These regulations are exempt from the APA and OAL's review pursuant to Government Code section 11340.9, subdivision (g).

Title 10
California Code of Regulations
ADOPT: 2498.6
Filed 07/24/06
Effective 07/24/06
Agency Contact:
Mary Ann Shulman (415) 538-4133

DEPARTMENT OF PESTICIDE REGULATION

Data Cost-Sharing

This readoption of emergency regulations implements and makes specific amendments to Section 12811.5 of the Food and Agriculture Code. Title 3, CCR Section 6310 was adopted to implement dispute resolution proceedings for data cost-sharing agreements between companies submitting data for registration of pesticides and section 6170 was amended to reflect the adoption of Section 6310. The Department has progressed in formally adopting the regulations, however, it has not completed the rulemaking process. The Notice of Proposed Action was published on May 5, 2006, public comment closed on June 19, 2006.

Title 3
California Code of Regulations
ADOPT: 6310
AMEND: 6170
Filed 07/19/06
Effective 07/19/06
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF SOCIAL SERVICES

ABAWD Food Stamp Work Requirement

This rulemaking package deletes certain provisions governing Able Bodied Adults Without Dependents ("ABAWD") receiving food stamps. To receive food stamps as an ABAWD, the ABAWD must meet certain work requirements. The MPP promulgates how to meet the work requirements. However, in certain situations, the ABAWD is exempt from the work requirements. As written, the MPP allows an ABAWD whose exemption from the work requirements expires during a quarterly reporting period to continue receiving food stamps until the next quarterly report to the appropriate county agency. This policy conflicts with correspondence received by DSS on May 27, 2005 from the United States Department of Agriculture's Food and Nutrition Service department, which administers the federal food stamp program. The changes promulgated in this rule-

making package bring the MPP into compliance with the recent correspondence from FNS, namely that an ABAWD whose exemption expires during a reporting period is immediately required to comply with the work requirements and may be immediately ineligible for food stamp assistance.

Title MPP
California Code of Regulations
AMEND: 63-410
Filed 07/20/06
Effective 08/19/06
Agency Contact: Alison Garcia (916) 657-2586

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

UPA Corrective Action Qualification Regulations

In this regulatory action, the Department of Toxic Substances Control adopts regulations pertaining to the qualification of Unified Program Agencies to implement environmental assessment and corrective action activities pursuant to Health and Safety Code section 25404.1.

Title 22
California Code of Regulations
ADOPT: 68400.11, 68400.12, 68400.13, 68400.14, 68400.15, 68400.16, Appendix I AMEND: 67450.7
Filed 07/20/06
Effective 08/19/06
Agency Contact: Joan Ferber (916) 322-6409

DIVISION OF WORKERS COMPENSATION

Workers' Compensation — Return to Work Regulations

This regulatory action is to implement and make specific some of the statutory enactments of SB 899. This bill included provisions in Labor Code §139.48 for the Return to Work Program. It regards the impact of an employer offering modified or alternative work to an employee whose disability has been determined to have become permanent and stable. The Return to Work Program provisions became effective for injuries on or after July 1, 2004. These regulations are being promulgated to provide additional guidance to employers, injured employees and insurers in implementing the statutory scheme.

Title 8
California Code of Regulations
ADOPT: 10004, 10005 AMEND: 10133.53, 10133.55
Filed 07/19/06
Effective 08/18/06
Agency Contact: Destie Overpeck (415) 703-4659

FAIR POLITICAL PRACTICES COMMISSION
Gifts to an Official's Immediate Family

This action amends 2 Cal. Code Regs. section 18944 governing gifts given to an official or candidate or a member or members of an official's (or candidate's) immediate family. The section is being amended to clarify when gifts to the official's or candidates immediate family are attributable to only the immediate family or whether the official is deemed the recipient of the gift (defined in Government Code section 82028). Factors include: whether the official or candidate enjoys a direct benefit from the gift, whether the official or candidate uses the gift in more than a nominal or incidental fashion to the use of the gift by the family member and whether the official or candidate exercises control over the use of the gift. Factor mitigating against the gift being deemed received by the official include a relationship between the donor and the official's immediate family member, the nature of the gift and the manner of the gift's delivery.

OAL's review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, section 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
 California Code of Regulations
 AMEND: 18944
 Filed 07/24/06
 Effective 08/23/06
 Agency Contact:
 Emelyn Rodriquez (916) 322-5660

**OFFICE OF STATEWIDE HEALTH PLANNING
 AND DEVELOPMENT**
Vocational Nurse Scholarship and Loan Repayment Programs

This action adopts the Vocational Nurse Scholarship and Loan Repayment Program.

Title 22
 California Code of Regulations
 ADOPT: 97900, 97901, 97902, 97910, 97911, 97912, 97913, 97914, 97915, 97916, 97917, 97920, 97921, 97922, 97923, 97924, 97925, 97926, 97927

Filed 07/24/06
 Effective 07/24/06
 Agency Contact: Diane Tomoda (916) 324-6500

OFFICE OF THE STATE FIRE MARSHAL
Portable Fire Extinguishing Equipment

The State Fire Marshal in a previous rulemaking relocated regulatory provisions and reorganized Title 19, Division 1. This rulemaking is a further clean-up that removes incorrect internal references — Subchapter 3 was re-named Chapter 3 and this corrects references to that Chapter within the regulations. This rulemaking also corrects some minor typographical and grammatical errors. Finally it repeals several sections which are duplicative due to the earlier reorganization.

Title 19
 California Code of Regulations
 AMEND: 3.29, 557.23, 561.2, 567, 568, 574.1, 575.1, 575.3, 575.4, 594.4, 596.6, 606.1 REPEAL: 597.5, 597.6, 597.7, 597.8, 597.9, 597.10, 597.11, 603.3, 605.1, 606.3, 608.7, 608.8, 614, 614.1, 614.3, 614.5, 614.6, 614.7, 614.8
 Filed 07/25/06
 Effective 07/25/06
 Agency Contact: Kevin Reinertson (916) 327-4998

STATE WATER RESOURCES CONTROL BOARD
Orphan Site Cleanup Account

This Certificate of Compliance makes permanent the emergency regulations (OAL file nos. 05-1117-01E; 06-0313-03EE), with amendments, that established the grant program for the removal of leaking petroleum underground storage tanks (UST) and the investigation and cleanup of petroleum contamination from USTs at sites that qualify as Brownfields. These regulations establish general definitions, eligibility requirements, a priority system for paying eligible applicants, funding limitations, and define the types of costs that qualify for funding.

Title 23
 California Code of Regulations
 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
 Filed 07/25/06
 Effective 07/25/06
 Agency Contact: Lori Brock (916) 341-5158

STATE WATER RESOURCES CONTROL BOARD
Salt and Boron TMDL for the Lower San Joaquin River

This rulemaking action defines the Lower San Joaquin River Watershed, to which this TMDL applies. This action also defines "nonpoint source land uses" as

all irrigated lands, “nonpoint source discharges” as discharges from irrigated lands, and “irrigated lands” and land where water is applied for producing crops. This action also requires dischargers of irrigation return flows from irrigated lands to meet one of four conditions, establishes salinity base load allocations and real-time load allocations for nonpoint source dischargers. An apportionment method for distributing load allocations among nonpoint source dischargers is also included. Compliance with the load allocations, depending on the location of the discharge, threat to water quality and type of water year, is required within eight to 20 years from the effective date of the implementation of the TMDL. This action also requires new National Pollutant Discharge elimination System (“NPDES”) permitted sources to comply with the waste load allocations upon commencement of the discharge, and existing NPDES discharger to comply within 20 years from the effective date for dry water years and 16 years from the effective date for all other water year types. The Regional Board must review and update the load allocations and waste load allocations every six years from the effective date, and incorporate load allocations and conditions into the waste discharge requirements or waivers within two years of the effective date.

Title 23

California Code of Regulations

ADOPT: 3949

Filed 07/21/06

Effective 07/21/06

Agency Contact: Joanne Cox (916) 341-5552

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN FEBRUARY 22, 2006 TO
JULY 26, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

03/28/06 AMEND: 1395

03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55

Title 2

07/24/06 AMEND: 18944

07/06/06 AMEND: 575.1, 575.2
06/20/06 AMEND: 18537
06/08/06 AMEND: 18526
05/26/06 ADOPT: 18438.5 AMEND: 18438.8
05/25/06 AMEND: 18942
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560
05/24/06 AMEND: 433.1
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4
05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04
05/08/06 AMEND: 18537.1
04/24/06 AMEND: 20108.70, Division 7
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428
03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66
03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4

Title 3

07/26/06 AMEND: 3700(c)
07/21/06 REPEAL: 1366
07/19/06 ADOPT: 6310 AMEND: 6170
07/18/06 ADOPT: 6960 AMEND: 6000
07/17/06 AMEND: 3591.6(a)
07/05/06 AMEND: 3591.6
07/03/06 AMEND: 3589(a)
06/28/06 AMEND: 3433(b)
06/12/06 AMEND: 3433(b)
05/23/06 ADOPT: 6580, 6582, 6584
05/23/06 ADOPT: 3424
05/19/06 AMEND: 3433(b)
05/18/06 ADOPT: 1472.7.2 AMEND: 1472, 1472.4
05/18/06 AMEND: 3591.12(a)
05/11/06 AMEND: 3591.19
04/28/06 AMEND: 1380.19, 1420.10
04/27/06 AMEND: 3406(b)
04/13/06 AMEND: 1446.4, 1454.10, 1462.10
04/11/06 AMEND: 3700(c)
04/11/06 AMEND: 3700(c)

04/10/06 AMEND: 3406(b)
 03/30/06 AMEND: 3406(b)
 03/28/06 AMEND: 3406(b)
 03/23/06 ADOPT: 6310 AMEND: 6170
 03/07/06 AMEND: 3700(c)
 03/01/06 AMEND: 3406(b)
 02/22/06 AMEND: 3406(b)

Title 4

07/19/06 AMEND: 12358, 12359
 07/17/06 AMEND: 2240(e)
 06/20/06 AMEND: 1472
 06/01/06 AMEND: 8070(d), 8071(a)(9), 8072, 8073(c), 8074(b), 8076(c)(1)
 05/18/06 ADOPT: 12358
 05/05/06 AMEND: 150
 03/24/06 ADOPT: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190, 10191
 03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e), 10315(d), 10315(j), 10320(b), 10322(e), 10325(c), 10325(c)(3)(K), 10325(c)(6), 10325(c)(8), 10325(c)(12), 10325(f)(7), 10325(f)(10), 10325(g)(5)(B)(ii), 10325(g)(5)(B)(iv), 10325(g)(5)(B)(v), 10326(g)(6), 1036(g)(7)
 02/28/06 AMEND: 4143

Title 5

07/25/06 ADOPT: 1207.1, 1207.2 AMEND: 1204.5
 07/21/06 ADOPT: 15566, 15567, 15568, 15569
 07/14/06 ADOPT: 51016.5, 55183
 06/12/06 ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831
 06/09/06 ADOPT: 19827 AMEND: 19812, 19813, 19814, 19814.1, 19815, 19816, 19817, 19817.1, 19826, 19826.1, 19836, 19851, 19853
 05/25/06 AMEND: 1074
 05/16/06 ADOPT: 51025.5
 05/15/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
 05/12/06 AMEND: 19819, 19851
 04/28/06 AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204
 04/04/06 AMEND: 42920
 04/04/06 AMEND: 11704

03/16/06 ADOPT: 1207.1, 1207.2 AMEND: 1204.5
 03/16/06 ADOPT: 15566, 15567, 15568, 15569
 03/15/06 AMEND: 51000, 51022, 51023, 51100, 51102, 53407, 53410.1, 53413, 53501, 54010, 54041, 54050, 54200, 54220, 54300, 54600, 54604, 54608, 54610, 54612, 54626, 54630, 55002, 55231, 55402, 55405, 55534, 55600, 55602, 55630, 55720, 55729, 55756.5, 55761, 5580

Title 8

07/19/06 ADOPT: 10004, 10005 AMEND: 10133.53, 10133.55
 07/18/06 AMEND: 3270
 07/13/06 ADOPT: 3395
 06/30/06 AMEND: 9793, 9795
 06/26/06 ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846
 06/06/06 AMEND: 5155
 05/25/06 AMEND: 4650
 04/19/06 AMEND: 3395
 04/17/06 AMEND: 2320.4(a)(3)
 04/11/06 ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130
 04/04/06 ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280
 04/03/06 AMEND: 1720
 03/22/06 AMEND: 9701, 9702, 9703
 03/15/06 AMEND: 1710(f)
 03/14/06 ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784
 02/28/06 AMEND: 1644
 02/27/06 AMEND: 3637, 3638, 3639, 3640, 3642, 3646
 02/22/06 ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12

Title 9

06/07/06 ADOPT: 10056, 10057
 05/24/05 ADOPT: 3400
 05/19/06 ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205,

	1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216		2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822
04/19/06	AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195	02/27/06	AMEND: 2632.5 (c) (1) (A)
Title 10		Title 11	
07/26/06	ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286	07/12/06	AMEND: 999.2
07/24/06	ADOPT: 2498.6	06/28/06	ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066,
07/18/06	AMEND: 2498.5, 2498.6	06/28/06	ADOPT: 4400(lI), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406
07/14/06	AMEND: 2632.5, 2632.8, 2632.11	05/23/06	AMEND: 1002(c)
07/12/06	AMEND: 2498.4.9	05/22/06	AMEND: 968.44, 968.46
07/12/06	AMEND: 2697.6	05/22/06	REPEAL: 2033
07/12/06	ADOPT: 2190.20, 2190.22, 2190.24	05/12/06	AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910
07/10/06	ADOPT: 2509.21	03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380
06/30/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17	02/22/06	AMEND: 51.19
06/19/06	AMEND: 2318.6, 2353.1, 2354	Title 12	
06/05/06	AMEND: 3528	04/10/06	AMEND: 453.1
06/01/06	ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12	Title 13	
05/25/06	ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8	06/30/06	ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08
05/18/06	AMEND: 2498.6	06/29/06	AMEND: 345.16
04/28/06	ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24	06/16/06	AMEND: 2023.4
04/20/06	AMEND: 2498.5	06/15/06	AMEND: 1239
04/18/06	AMEND: 2498.4.9	05/22/06	ADOPT: 86500, 86501
04/18/06	AMEND: 2498.4.9	05/22/06	AMEND: 425.01
03/30/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)	05/18/06	ADOPT: 550.20 AMEND: 551.11, 551.12
03/24/06	ADOPT: 2498.6	05/02/06	ADOPT: 345.07 AMEND: 345.06
03/24/06	REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8	04/04/06	AMEND: 423.00
03/09/06	AMEND: 2697.6	03/24/06	AMEND: 156.00
02/28/06	ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7,	03/24/06	AMEND: 590
		02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78
		02/22/06	ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72
		Title 14	
		07/19/06	ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11

07/12/06	AMEND: 507.1	06/09/06	ADOPT: 3040.2 AMEND: 3000, 3040, 3041, 3043, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3, 3075
07/11/06	ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8	06/06/06	AMEND: 3173.1
07/11/06	AMEND: 15251	05/25/06	AMEND: 3040.1, 3341.5, 3375, 3375.3, 3378
06/30/06	AMEND: 360, 361, 362, 363, 364	05/22/06	ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328
06/30/06	AMEND: 11900	05/16/06	AMEND: 3999.1.10, 3999.1.8
06/29/06	AMEND: 851.23	05/16/06	AMEND: 3999.2
06/23/06	AMEND: 1220	05/01/06	AMEND: 2510, 2511, 2512, 2513
06/16/06	AMEND: 895, 895.1, 1038, 1038(f)	04/24/06	ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054
06/08/06	AMEND: 746	03/27/06	AMEND: 3176.3
06/05/06	AMEND: 791.7, Form FG OSPR-1972		
05/26/06	AMEND: 670.2	Title 16	
05/23/06	AMEND: 401	07/12/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
05/17/06	AMEND: 182	07/03/06	AMEND: 1399.152, 1399.156.4
05/11/06	AMEND: 27.80	06/26/06	ADOPT: 1304.5
05/08/06	ADOPT: 1299	06/14/06	AMEND: 2537, 2537.1
04/21/06	AMEND: 27.60, 28.59	06/05/06	AMEND: 3303
04/17/06	AMEND: 791.7, 793, 795	06/05/06	AMEND: 2630, 2630.1
04/11/06	AMEND: 18454, 18456, 18456.3, CIWMB form 60	06/05/06	ADOPT: 2608
04/10/06	AMEND: 630	06/01/06	ADOPT: 137
04/03/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04	05/31/06	ADOPT: 869.9 AMEND: 868, 869
04/03/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72	05/30/06	AMEND: 3340.1, 3340.16, 3340.16.5, 3340.17, 3340.41 REPEAL: 3340.16.6
03/28/06	AMEND: 187	05/22/06	AMEND: 152
03/27/06	AMEND: 163.1	05/12/06	AMEND: 1388, 1388.6, 1389, 1392
03/22/06	AMEND: 119, Appendix A	05/01/06	AMEND: 8.1, 12, 12.5, 21, 69
03/20/06	ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95	04/17/06	AMEND: 3353
03/20/06	AMEND: 27.82	04/17/06	AMEND: 1399.465
03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71	03/29/06	ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4
03/01/06	AMEND: 851.23	03/21/06	AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998
02/23/06	AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850	03/14/06	REPEAL: 1530
Title 15		03/13/06	REPEAL: 1515
07/12/06	AMEND: 7001 REPEAL: 2005, 3416, 4020	03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
06/27/06	AMEND: 3341.5	03/13/06	ADOPT: 1399.25
		03/10/06	AMEND: 3062.1, 3063.1
		03/10/06	AMEND: 1566, 1566.1
		03/09/06	AMEND: 3351.3 and 3351.4
		03/02/06	ADOPT: 2524.1, 2579.11
		02/27/06	AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6
		02/24/06	AMEND: 3008, 3031, 3062.1

Title 17

07/24/06 ADOPT: 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150
 07/20/06 AMEND: 30100, 30253
 07/05/06 AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007
 05/15/06 AMEND: 60201
 04/20/06 ADOPT: 93119
 04/17/06 AMEND: 70100, 70100.1, 70200, Incorporated Documents
 04/10/06 ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3

Title 18

07/11/06 REPEAL: 139
 06/23/06 ADOPT: 140, 140.1, 140.2, 143
 04/24/06 ADOPT: 19591 AMEND: 19513, 19524
 04/20/06 AMEND: 4905
 04/20/06 AMEND: 1707

Title 19

07/25/06 AMEND: 3.29, 557.23, 561.2, 567, 568, 574.1, 575.1, 575.3, 575.4, 594.4, 596.6, 606.1 REPEAL: 597.5, 597.6, 597.7, 597.8, 597.9 597.10, 597.11, 603.3, 605.1, 606.3, 608.7, 608.8, 614, 614.1, 614.3, 614.5, 614.6, 614.7, 614.8
 07/05/06 AMEND: 3062.1, 3063.1

Title 20

06/22/06 AMEND: 1601, 1602, 1604, 1605.3, 1607

Title 21

07/07/06 AMEND: 7000

Title 22

07/24/06 ADOPT: 97900, 97901, 97902, 97910, 97911, 97912, 97913, 97914, 97915, 97916, 97917, 97920, 97921, 97922, 97923, 97924, 97925, 97926, 97927
 07/20/06 ADOPT: 68400.11, 68400.12, 68400.13, 68400.14, 68400.15, 68400.16, Appendix I AMEND: 67450.7
 06/12/06 AMEND: 51215.6, 51321, 51323, 51535.1, 51542, 51546 REPEAL: 51124.1, 51215.4, 51335.1, 51511.3
 06/05/06 ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11
 05/19/06 AMEND: 12805

05/18/06 ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4

05/17/06 ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL: 4400(ii)

05/12/06 ADOPT: 64442, 64443, 64447.3 AMEND: 64415 REPEAL: 64441, 64443

05/10/06 ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961

05/08/06 AMEND: 96010

04/20/06 AMEND: 70577, 70717, 71203, 71517, 71545

04/19/06 ADOPT: 4400(kk) REPEAL: 4414

04/12/06 AMEND: 4416

03/24/06 ADOPT: 110056, 110060, 100604, 110100, 110112, 110116, 110124, 110144, 110148, 110156, 110160, 110168, 110204, 110224, 110228, 110232, 110244, 110248, 110246, 110280, 110288, 110296, 110307, 110311, 110315, 110319, 110323, 110347, 110355, 110383, 110410

03/23/06 AMEND: 926-3, 926-4, 926-5

03/20/06 AMEND: 66264.147, 66264.151, 66265.147

03/09/06 ADOPT: 12900

03/07/06 AMEND: 100058, 100066, 100078, 100079

Title 22, MPP

07/11/06 AMEND: 80019, 80019.1, 80054, 87219, 87219.1, 87454, 87819, 87819.1, 87854, 88019, 101170, 101170.1, 101195, 102370, 102370.1, 102395

Title 23

07/25/06 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

07/21/06 ADOPT: 3949

06/30/06 ADOPT: 3949

04/25/06 ADOPT: 3948

04/25/06 ADOPT: 2919

04/10/06	ADOPT: 2917 AMEND: 2914.5	Title 28	
03/28/06	ADOPT: 3944.2	06/26/06	ADOPT: 1300.67.24 REPEAL:
03/22/06	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37	Title MPP	1300.67.24
03/13/06	ADOPT: 3939.21	07/20/06	AMEND: 63-410
Title 25		06/26/06	AMEND: 30-757, 30-761
05/15/06	AMEND: 6932	04/03/06	AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL:
04/24/06	AMEND: Adding a title to Ch. 7, Subchapter 21		42-710
Title 27			
06/13/06	AMEND: 15241, 15242		